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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) Case No.: CR 14 - 70298 PSG
14 Plaintiff,)
15 v.)
16 KISHORE PALLAPOTHU,)
17 Defendant.)
18 _____)

19 Defendant Kishore Pallapothu has been charged with a violation of 18 U.S.C. § 1505,
20 Obstruction of Justice, and has been released on terms and conditions including an appearance bond and
21 supervision by Pretrial Services.

22 This matter is scheduled to come before the Court for preliminary hearing or arraignment on
23 indictment on Thursday, September 4, 2014.

24 Since the last calling of the case, defense counsel has reviewed discovery provided by the
25 government and the government intends to make additional information available to the defendant in the
26 near term. Additional time is required to receive, review and analyze the to-be-provided discovery. The
27 parties are also continuing to discuss the merits of the underlying investigation relative to a possible
28 disposition of this matter short of indictment and such disposition may include cooperation.

STIPULATION AND [PROPOSED] ORDER
CR 14 - 70298 PSG

1 Accordingly, the parties mutually agree and hereby stipulate that a short continuance of this
2 matter from September 4, 2014, until October 29, 2014, is necessary for effective preparation of counsel
3 and for continuity of counsel. The parties further agree and stipulate that the time from September 4,
4 2014, through and including October 29, 2014, may be excluded from the computation of time within
5 which an information or indictment shall be filed under the Speedy Trial Act, in order to ensure the
6 reasonable time necessary for effective preparation and continuity of counsel, pursuant to Title 18,
7 United States Code Section 3161(b), (h)(7)(A), (h)(7)(B)(iv), as well as a mutual stipulation to waive
8 time for an indictment or preliminary hearing, pursuant to Rule 5.1 of the Federal Rules of Criminal
9 Procedure, up to and including October 29, 2014, based on the need for effective preparation of counsel
10 and continuity of counsel.

11 Finally, as this document references a disposition including cooperation, the parties request that
12 this stipulation and order be filed under seal.

13 **IT SO STIPULATED.**

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15 MELINDA HAAG
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17 Dated: August 29, 2014 _____ /s/
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22 Dated: August 29, 2014 _____ /s/
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TIMOTHY J. LUCEY
Assistant United States Attorney

EDWIN PRATHER
Attorney for Defendant
KISHORE PALLAPOTHU

1 **[PROPOSED] ORDER**

2 **GOOD CAUSE APPEARING** and per the parties' stipulation, the Court enters this order
3 continuing the date for a preliminary hearing or arraignment on an indictment, from Thursday,
4 September 4, 2014, until Wednesday, October 29, 2014, at 1:30 p.m., before the duty magistrate judge,
5 as well as documenting the defendant's waiver of the time to conduct a preliminary hearing under
6 Federal Rule of Criminal Procedure Rule 5.1, as well as the exclusion of time under the Speedy Trial
7 Act, 18 U.S.C. § 3161, from September 4, 2014, up to and including October 29, 2014.

8 Finally, as this stipulation and order references cooperation, the document shall be filed under
9 seal pending further order of this Court, except that copies may be provided to the United States and
10 counsel for the defendant.

11 **IT IS SO ORDERED.**

12
13 **Dated:** 9/3/2014


HON. PAUL S. GREWAL
UNITED STATES MAGISTRATE JUDGE